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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,
CHIEF EXECUTIVE OFFICER

ANDHRA PRADESH STATE WAQF BOARD,
(4th FLOOR, IMDADGHAR, OPP: KALESWARAO MARKET, VIJAYAWADA.)

F.No.03/ NLR / M / 2020,

Date: 19-10-2023.

WAQFS – SPSR NELLORE DISTRICT – SUNNI IDGAH AND MOUZAN SERVICE OF JAMIA MASJID ARE SITUATED AT NELLORE CITY – Sri. MOHAMMED AKRAM ALI FARUKHI, S/o.LATE MOHAMMED AMJAD HUSAIN FARUKI RECOGNIZED AS MUTAWALLI U/Sec.42 OF THE WAQF ACT, 1995.

- Read :
1. Reresentaion of Sri.Md. Akram Ali Faruki, dt:24-12-2019 &17-01-2020.
 2. Orders of the Hon'ble High Court of AP in WP No.12466 of 2020, dated: 29-07-2020.
 3. This office memo dated:05-08-2020 issued to I.A Waqfs, SPSR Nellore District.
 4. Report of the I.A Waqfs, SPSR Nellore District, dated:26-09-2020, 08-12-2021.
 5. This Office paper notification of even No. dated.22-04-2022 same was published in Eenadu paper , dated:28-04-2022.
 6. Objection petitions of Sri.Shak Rafi, SPSR Nellore District, dated: 11-05-2022,13-05-2022 & 14-05-2022.
 7. Petition filed by Sri.Mohammed Akram Ali Farukhi, dated:Nil received on 20-06-2022.
 8. This office letter of even No., dated:16-12-2022 addressed to DMWO & IA Waqfs, SPSR Nellore District.

9. Joint report of DMWO & IA Waqfs, SPSR Nellore District, dt:28-12-2022 along with connected documents.
10. Board's Resolution No.663 of 2023, dated: 03-02-2023.
11. Orders of the CA/SO, APSWB, dated: 26-04-2023.
12. Orders of the Administrator, APSWB, Dated:18-10-2023.

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ORDER:

The Waqf institution namely Sunni Idgah situated at Nellore Town of SPSR Nellore District is a notified Waqf and got published in AP Gazette No.18-A, Part-II, Dated:02-05-1963 at serial No. 207 under the Towliath of M.M.Hussain.

The other Waqf institution namely Mouzzan service of Jamia Masjid situated at Nellore Town of SPSR Nellore District is a notified Waqf and got published in AP Gazette No.18-A, Part-II, Dated:02-05-1963 at serial No. 221 under the Towliath of M.M.Hussain.

Representation dated:24-12-2019 & 17-01-2020 are received vide ref.1st read above, to recognize him as Mutawalli in place of his grandfather in respect of aforesaid institutions. Further the applicant has approached before the Hon'ble High Court of AP by filling WP No.12466/2020 and the Hon'ble High Court has disposed the said Writ Petition that the 2nd respondent (APSWB) directed to consider the representation of the Writ petitioner dated:17-01-2020 for appointment as Mutawalli for the above said institutions soon after the constitution of the Waqf Board and the representation of the Writ petitioner shall be considered and disposed off as expeditiously as possible, on the merit as per law.

In the ref. 3rd read above, report received from the I.A Waqfs, SPSR Nellore District along with connected documents with a request to consider the candidature of the applicant of Sri.Md. Akram Ali Farukhi as Mutawalli in place his deceased grandfather namely M.M. Hussain Farukhi @ Khateeb Chand Basha to the above said institutions.

For obtaining further details, this office has issued memo dated:05-08-2020 vide ref.3rd cited to submit the documents in connection with notified Mutawalli of Mohammed Mahamud Hussain Farooki and also memo dated:22-09-2020 issued to IA Waqfs, SPSR Nellore District for submission of detail report. Accordingly the IA Waqfs, SPSR Nellore District has submitted his report vide ref.4th cited, along with connected documents with a request to consider the candidature of the applicant of Sri.Md. Akram Ali Farukhi as Mutawalli in place his deceased grandfather namely M.M. Hussain Farukhi @ Khateeb Chand Basha to the above said institutions.

Accordingly, this office has issued notification dated:22-04-2022 vide ref. 5th cited for calling claims and objections if any for recognition of Sri. Mohammed Akram Ali Farukhi as Mutawalli and same was published in Eenadu daily Telugu paper on 28-04-2023. In the ref. 6th cited, objections received from Sri. Shaik Rafi, through advocate, wherein not to entertain any application or petition for recognition of Mutawalli to Idgah Masjid as the institution is not notified in AP State Waqf Board and also not having any rights or jurisdiction to interfere in the affairs of Idgah Masjid, Santha peta, Nellore.

In the ref. 7th cited, representation received from Sri Md Akram Ali Farukhi, wherein he stated that the AP State Waqf Board is having Waqf land in C.A.S. No.1473 to an extent of Ac.1.80 cts of Nellore City in that Land approximately (40) houses, 1 Masjid, 22 shops were constructed and 300 ankans land is vacant. The AP State Waqf Board has filed suit for recovery of possession and got orders in favour of Waqf Board in OS No.75/1975, dated:20-02-1982 but, Sri. Shaik Rafi and his Committee illegally occupied the said institution and its attached properties and requested to take the institution under direct management of Waqf Board. Further he has filed WP No. 37477 of 2022 before the Hon'ble High Court of AP and the said case is pending.

In the ref. 8th cited this office has issued letter dated:16-12-2022 to the District Minority Welfare Officer & Inspector Auditor Waqfs, SPSR Nellore District to with a request to submit joint report on the objections raised by the aforesaid persons. Accordingly, the District Minority Welfare Officer & Inspector Auditor Waqfs, SPSR Nellore District has submitted report dated:28-12-2022 vide ref.9th cited along with connected documents that previously then District Minorities Welfare Officer/Add. District Waqf Officer and Inspector Auditor Waqfs, SPSR Nellore District, police and Revenue authorities have conducted joint enquiry on 17-09-2020, in their enquiry it is found that Sri Sk. Kareemullah & 10 others form Self Styled committee in the year 2016 and collected rents and maintaining joint account in the name of Masjid-E-Idgah

They further reported that in their enquiry the said committee is not maintaining accounts properly and also not issued receipts to the tenants since to 2016. Further the self styled committee of Masjid agreed to handed over the records to the I.A Waqfs, SPSR Nellore District within 15 days. Further the self styled committee submitted representation on 23.01.2021 stating that the accounts, bank pass books and other

records taken by Sri. Sk. Rafi by force due to which unable to hand over the records. After receipts of said representation the then I.A Waqfs, SPSR Nellore District has issued notices to (22) tenants on 07.01.2021 with a direction to pay the rents to I.A Waqfs, SPSR Nellore otherwise action will be taken as per Waqf Act, 1995 through the CEO, A.P. State Waqf Board, Vijayawada. Aggrieved by said notice Sri Sk. Rafi has given reply on 02.02.2021. Further the then I.A Waqfs, SPSR Nellore has issued reply to him duly rejected his explanation due to non submission of records.

They further reported that the Chief Executive Officer, A.P State Waqf Board, Vijayawada, has issued authorization in favour of I.A Waqfs, SPSR Nellore vide a F.No.01/Prot/NLR/2019, dated: 26.10.2020 in lieu of reports submitted by the then DRO/DWO, SPSR Nellore on 29.09.2020 basing on said authorization complaint filed before the Station House Officer, Town III, Santhapet Police Station, Nellore City on 18.03.2021. Accordingly, the Station House Officer, Town III, Santhapet Police Station, Nellore City has issued an FIR No.68/2021, dated: 18.03.2021 against Sri Sk. Rafi, the same is pending. They further reported that the said Idgah Masjid is maintained unlawfully by Sri. Sk. Rafi without approval of the A.P. State Waqf Board which is illegal one. The above said Masjid admeasuring in an extent of Ac.1.80 Cents in Sy.No.1473 (New CAS.No.11) the said Sy.No is notified Waqf Property through errata notification dt:12.05.1977. Further the A.P. State Waqf Board got orders in favour of Waqf Board in O.S No.75/1975 dt:20.02.1982. They further reported that the question raised by applicant of Sri SK Rafi that the property is not notified as Waqf is false. Further the said applicant diverted the issue to escape for payment of rents and also taken the institution in to his hands high handedly.

They further reported that the Idgah Masjid is having (22) shops, approximately (40) houses and also vacant land as the same was informed by the Sri. Mohammed Akram Ali Farukhi is a fact. Further rent control case filed by Sri SK Rafi against Sri SK Khadar Basha before the Prl Junior Civil Judge Court, Nellore for collection of rent in Shop No 21 attached to Masjid-E-Idgah situated at Santhapeta, Nellore Town. After completion of process the Hon'ble court has dismissed the said RCC No.02/2021, dated: 19.12.2022 with a reason not necessary to pay the rent to the petitioner, as the owner is A.P State Waqf Board.

They finally reported that as per records, the applicant of Sri. Mohammed Akram Ali Farukhi S/o late Mohammed Amjad Hussian Farukhi is Grand Son Sri. M.M Hussian Farukhi Alias Khateeb Chand Basha late and also legal heirs of both institution i.e., Sunni Idgah and Mouzan Service of Jamia Masjid are situated at Nellore town as the same reported by I.A. Waqfs, SPSR Nellore District through his report dt: 19.09.2020.

The above said matter was placed before Board meeting and the Board has passed resolution No.663/2023, dated.03-02-2023 in the ref.10th read above "to recognize Sri Mohammed Akram Ali Farukhi, S/o.Late Mohammed Amjad Husain Faruki as Mutawalli U/sec.42 of Waqf Act, 1995 for sunni Idgah and for Mouzan service of Jamia Masjid situated at Nellore City, SPSR Nellore District. Further, after perusal of the objection and in consequent of the fact, it is resolved to reject the objections

dated:11-05-2022,13-05-2022 & 14-05-2022 filed by Sri Shaik Rafi against the paper notification dated:22-04-2022".

In the ref. 11th read above the matter was placed before the CA/SO, APSWB who after examining the matter passed orders to implement the above said Board resolution and issue proceedings accordingly, duly rejecting the objection dated: 11-05-2022, 13-05-2022 & 14-05-2022 filed by Sri Shaik Rafi.

In the ref.12th read above the matter was once again placed before the Administrator, APSWB who after examining the matter passed orders to implement the above said Board resolution.

Accordingly, Sri.Mohammed Akram Ali Farukhi, S/o. Late Mohammed Amjad Husain is hereby recognized as Mutawalli for Sunni Idgah and for Mouzan service of Jamia Masjid situated at Nellore City, SPSR Nellore District U/sec.42 of the Waqf Act, 1995 for managing the affairs of the subject Waqf Institution by following Waqf Act,1995 and also Waqf Rules and pending outcome of Court cases if any against him. The Mutawalli shall identify the additional property and bring them for Errata or addendum by Waqf Board. And as per Board resolution 663/2023, rejected the objection petition dated:11-05-2022,13-05-2022 & 14-05-2022 of Sri Shaik Rafi against the paper notification dated:22-04-2022.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time they should submit the Accounts U/sec.46 of Waqf Act, 1995 and Budget U/sec.44 of Waqf Act, 1995 and pay Waqf fund duly following the provisions laid down U/sec.72 & 77 of Waqf Act, 1995 properly, failing which action will be taken against him U/Sec.61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.
- f) He shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural lands. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Boar
- i) He will not entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable for penal action. The Mutawalli shall also noted that Sec.3(ee) defined encroacher, Sec. 52-A explain rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously.

These orders are issued subject to payment of Waqf fund arrears and demand and pending adjudication of Court cases if any.

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,
Chief Executive Officer,
A.P. State Waqf Board, Vijayawada.

To
Sri.Mohammed Akram Ali Farukhi,
S/o. Late Mohammed Amjad Husain Faruki
Mutawallia of Sunni Idgah and for Mouzan service of Jamia Masjid,
Nellore City, SPSR Nellore District.

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